THE PIOCHE DAILY RECORD

TUESDAY, - - SEPT. 24, 1872

A. D. JONES............................EDITOR

AGENCIES.

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THE ACQUITTAL OF COURTNEY.

After a part of Sunday's edition had been worked off, we were informed that the jury in the case of The State vs. Morgan Courtney had agreed upon a verdict We stopped the press and repaired to the Court House. Necessarily there was some delay, as Court had adjourned for the day, and the Judge, the Sheriff, the Clerk, the District Attorney and counsel for the defendant had to be called from their respective lodgings. At 1:35 a. m. Judge Fuller took his seat upon the bench, the jury was called, the verdict recorded. It was then read, after which Courtney was discharged. Before he could leave the Court room, he was arrested by Sheriff Kane on warrant from Storey county, and immediately locked up in his cell.

As the foregoing brief notice was inserted after our paper had been nearly all worked off, and was only printed in the copies circulated in the city, we republish it, together with other facts connected with the case. The affray which resulted in the death of James Sullivan and the arrest of Morgan Courtney occurred between 5 and 6 o'clock p. m. on Saturday, June 8, in front of Clancey's saloon, Main street, Pioche. The account of the affair, as given in the RECORD of the following morning, was not embellished in such manner as to create popular feeling either for or against the accused. The account was to the effect that Courtney was asked by Sullivan to drink, but declined, when Sullivan said he had not asked him to drink, and Courtney said he had. Sullivan repeated his statement, and Courtney saying, "Well, that's enough," or something to that effect, drank at the bar and left the saloon. After five or ten minutes had elapsed, Sullivan went to the door, where he found Courtney, and, according to Courtney's version of the affair, Sullivan approached him and proposed to give or sell him an interest in the American Flag mine, or something of the kind, but he (Courtney) declined to have anything to do with it, whereupon Sullivan made a motion as if to draw a knife, at the same time saying, "You d—d s—n of a b—h, I'll kill you yet." Courtney sidled off from Sullivan two or three steps, drew his pistol, and said: "Take that back or I'll kill you;" to which Sullivan replied that he would take nothing back. Courtney, who by this time had separated 25 or 30 feet from Sullivan, fired the fatal shot. This is in substance the account of the affray as published on the 9th of June last. The arrest of Courtney, the verdict of the Coroner's jury, the commitment to await the action of the Grand Jury, the ineffectual effort of able and skillful counsel to have the accused admitted to bail, and his indictment by the Grand Jury, followed each other in rapid succession, conveying to a mind unschooled in American jurisprudence strong impressions (amounting almost to conviction) that some crime had been committed; but presto change! when a jury was obtained, the evidence gone through with, and the solemn charge of the Court given to the jury, they retired, and after six or seven hours' deliberation returned a verdict of not guilty! We cannot undertake to say that the verdict of the Coroner's jury was an error, or that the Justice of the Peace who ordered Courtney to stand committed until the case could be inquired into by the Grand Jury did n't know what he was about, or that the District Judge failed to comprehend the merits of the case when he denied the application to admit the defendant to bail; nor will we say that the Grand Jury acted hastily or unadvisedly in finding a true bill of indictment for murder. The action of the Coroner's jury, the committing magistrate, the District Judge and the Grand Jury—all acting under the sanctity and solemnity of an oath—pointed to the fact that a crime—the highest crime known to the law—the sin unpardonable in the sight of God—had been committed; yet, strange as it would appear to any one but an American, a jury of intelligent and disinterested citizens, after a patient investigation of the affair, accompanied by elaborate arguments for and against the accused, deliberate six or seven hours over the case, and then reach the conclusion that no crime had been committed! in effect that the Coroner's jury were a set of asses for not declaring that the killing of Sullivan was a justifiable homicide; that the committing magistrate erred in compelling Courtney to await the action of the Grand Jury; that the District Judge should have admitted him to bail, instead of consigning an innocent man to a felon's cell; and that the Grand Jury were entirely wrong in finding an indictment. One of two conclusions is irresistible: Courtney was either justifiable in taking the life of Sullivan, or he committed a crime of greater or less magnitude. Now we maintain that there must be something wrong in the administration of law when five different tribunals examine into a case, and four of the five reach one conclusion and the fifth finds a verdict exactly contrary to that of the other four. If Courtney was innocent, why was not justification pleaded before the Coroner's jury? and why was not his innocence established before the committing magistrate? and why were not all the facts brought before the District Judge that this innocent man should have been admitted to bail? and why was not evidence brought before the Grand Jury to frustrate the attempts of the prosecution and prevent an indictment? If Courtney committed no crime,—and the jury on their oaths say he did not,—why was he subjected to a cruel incarceration for fifteen weeks? If anybody knew facts which would exculpate Courtney, why were such facts withheld during the various stages of the case, leaving an innocent man in breathless suspense for so many weeks, causing divers and sundry citizens to forsake their usual avocations to sit as grand and petit jurors, subjecting the county to expense of guarding and maintaining the accused and himself to the expense of feeing counsel for his defense? Evidently, there is something wrong in the way justice is administered. But where is the remedy? We pause.

COURTNEY'S ARREST.

The Review takes Sheriff Kane to task in reference to the arrest of Courtney, and with a sad commentory upon the Review's knowledge of law, expressed the belief that the Sheriff should have held Courtney here and awaited the process of habeas corpus proposed by counsel, and also refers to the presence of Justice Garber of the Supreme Court as affording a fair opportunity to test the validity of the Storey county requisition. Without justification he pronounces the Sheriff's conduct a "hasty and somewhat underhanded proceeding." The facts are that Sheriff Kane could not execute the warrant from Storey county while Courtney was held under a warrant issued in this county, but as soon as Courtney was discharged here, the arrest was made. Courtney was arrested about 2 A. M., on Sunday, and it was not for some sixteen hours after that he was taken away. The privileges of the writ of habeas corpus were not withheld from Courtney. His friends knew that a Justice of the Supreme Court was here, as well as District Judge Fuller, and if there was any informality in the Storey county requisition the friends of Courtney ought to have had him brought before the proper magistrate and his discharge procured. Instead of Sheriff Kane being "hasty and underhanded," Courtney's friends were dilatory and failed to maintain any rights they may have had. We say this much in behalf of an officer who is insidiously censured for the prompt performance of his duty.

AN EYE OPENER.

Complaints of tardy mail arrivals are to be expected occasionally; but there is such a thing as overdoing it. Here is a complaint from a perfectly responsible party in San Francisco, who writes to Mr. P. Holland, under date of 18th inst., as follows:

Why do not letters and papers get through as quick as passengers? Your letter of the 9th I received to-day, but a gentleman called here who left Pioche on the 10th (Tuesday) and arrived here on Friday evening, the 13th. The last RECORD is dated the 8th, so it seems papers and letters go a —— of a roundabout way to get here or lay over somewhere. See if you can't straighten out the line. Just a mention of it in the RECORD will let the expressmen and postmasters know that you are particular, and things will go through.

The American Public Health Association, composed of medical and scientific gentlemen from various parts of the country, has been formed in New York. Dr Stephen Smith is President, and Dr. Harris Secretary. The members are all well known laborers in the field of sanitary improvement.

REPUBLICAN STATE CONVENTION.—This body meets at Reno to-morrow for the nomination of three Presidential Electors, Congressman, Justice of the Supreme Court and State Printer. Alternate Electors and a State Central Committee will also be named by the Convention.

A cable dispatch announces the death of Charles XV, of Sweden. He was a grandson of Bernadotte, one of Napoleon's Marshals, and was born in 1829, and has occupied the throne since the death of his father, King Oscar.

NO DISPATCHES.—Owing to some derangement of the Deseret Telegraph yesterday and last night our usual dispatches failed to reach us.

FOR SAN FRANCISCO.—Robert Fulks, of Fulks & McAlpin, leaves by this morning's stage for San Francisco, via Hamilton. We wish him a pleasant journey and speedy return.

In Pennsylvania the Straight-out Democracy will nominate a separate electoral ticket at Pittsburg to-day.

Hon. Martin Maginnis, Delegate elect from Montana to Congress, was in Salt Lake City on the 20th.

"FIGGERS."

The Territorial Enterprise says:

The Greeley statisticians have been employed of late in figuring up the exact percentage of change of votes from Grant in 1868 to Greeley in 1872 to insure the election of the latter. The New York Times demonstrates that their whole calculations are made on a wrong basis. For instance, they take the total vote of 1868, which was 5,716,788, out of which Grant had a majority of only 309,588, which was 5.42 per cent. of the whole. Now, they say change only 154,794 from one side to the other and you elect Greeley.

The Enterprise argues that, as the States which voted for Seymour in 1868 gave him an aggregate majority of 204,410, and, deducting them, Grant's majorities in the remaining States was 513,998, it would require 256,999 votes to be changed from Grant to Greeley, equally distributed in those States, to defeat the former. Now let us see how far wrong the Enterprise is, assuming that Greeley carries the States which went for Seymour in 1868. For this purpose observe the vote of the Seymour States in 1868 and what they will cast this year:

States.	Electors, '68.	Electors, '72.
Delaware	3	3
Georgia	9	11
Kentucky	11	15
Louisiana	7	8
Maryland	7	8
New York	34	35
Oregon	3	3
	73	80

The States voting for Seymour in 1868 this year will cast 80 votes, and conceding them to Greeley, he would be 104 votes short of a majority. Now we undertake to say and to prove that much less than 256,999 votes changed from Grant to Greeley will elect the latter. We leave out of consideration those States conceded to Grant. Take the following States which voted for Grant in 1868, and see how many of the popular vote will have to be won from Grant to Greeley to elect the latter:

States.	Electors.	Rep. Maj.	Necessary to be changed
Alabama	10	4,280	2,141
Arkansas	6	3,074	1,538
California	6	514	258
Connecticut	6	3,043	1,523
Indiana	15	9,572	3,787
Missouri	15	25,883	12,942
Pennsylvania	29	28,897	14,450
Tennessee	12	30,440	15,221
West Virginia	5	8,759	4,380
	104		67,1[illegible]

The States of Mississippi, Texas and Virginia are not taken into account, although it is believed that the eight votes of Texas will be cast for Greeley. We do not claim the election of Greeley by any means certain, but have produced the foregoing facts and figures to show that the Enterprise is as far wrong as it seeks to show that the Greeley statisticians are. No more—no less.

JUDGE SEAWELL.—The Virginia Chronicle just before the meeting of the Liberal and Democratic Convention, referring to the Supreme Judgeship, had this to say of Judge Seawell:

Among the candidates to come before the convention we are not certain that Judge Seawell will be numbered. He is not only the most popular, but perhaps the ablest of the three named. Judge Seawell enjoys a very enviable reputation throughout the State, both as a jurist and as a citizen of spotless private character.

NOT MUCH.—The Review attempts a little facetiæ over the fact that the name of our paper has been changed from the ELY RECORD to the PIOCHE DAILY RECORD. No "ghost" was given up by us except the ghost of a former partner, who came near being more disastrous to our interests in the RECORD than the great fire of September 16, 1871.

George Francis Train was among the passengers leaving New York for Europe on the 7th inst. His farewell remark was that he withdraws this year from his canditacy for the Presidency. He thinks, further, that when a politician of his caliber is expelled from a Convention of mere specters and hirelings, like that at Louisville, it is time to emigrate for a season.

A Chicago editor says: "Somebody having applied to an editor for a method by which he might cure his daughter of her partiality for young gentlemen, is kindly informed that there are several methods of reform. The best are to put her in a well and drop a few loads of gravel on her head, or to bind her ankles to an anvil and upset her out of a boat."

We had the pleasure yesterday of meeting Mr. J. C. Clark, a well known Nevadan, who has come here to superintend the shipping of a new 20-stamp mill, from the Risdon Iron Works, of San Francisco, to the Floral Mill and Mining Company, Pioche. The mill will be running about the 1st of December, and will be a custom mill, a convenience which has long been needed in Pioche. Mr. Clark speaks very highly of the increasing prospects of Ely District.—[Utah Mining Journal.

The Merrimack Journal gives this as a specimen of the "coming obituary:" "Died, in the thirty-fifth year of his age, John Smith, husband of Hon. Jane Smith, at her residence in Franklin, at six o'clock. Mr Smith was a meek and quiet husband, beloved for the graces of a cultivated nature. He excelled in the domestic virtues; as a cook he was surpassed by few, as a nurse he was equaled by none."

The English national anthem, "God save the King," was composed upon the occasion of the escape of James I. from the gunpowder Plot. The author was born in Somersetshire in 1563, and died abroad, at Anvers, March 12, 1628. He was named John Bull, and so great was the popularity of the ode, that his name has become the nickname gloried in by his countrymen.

The Territorial Enterprise of the 18th has the following: The skeleton of a woman—supposed to be that of a white woman—was yesterday found on the hill above shaft No. 4 of the Sutro Tunnel. Near the bones were found portions of a hooped skirt and a few pieces of calico and linen. The skull is now to be seen in the Company's office at shaft No. 4. All who have examined it say it is the skull of a white woman, as it is much thinner than would be the skull of an Indian woman.

The post office name of "Central City," Little Cottonwood, has been changed to "Alta," by order of the postal department at Washington.

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